

AMENDED IN SENATE APRIL 26, 2016

SENATE BILL

No. 1180

Introduced by Senator Jackson

February 18, 2016

An act to add Sections 44978.2 and 45191.5 to the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 1180, as amended, Jackson. Public school employees: military veterans: leave of absence for illness or injury.

(1) Under existing law, a certificated employee may, at his or her election, use days of leave of absence for illness or injury allowed, pursuant to specified existing law.

This bill would require that a certificated employee hired on or after ~~January 1, 2017~~, *January 1, 2017*, who is a military veteran with a military service-connected disability rated at ~~30 percent~~ *30%* or more by the United States Department of Veterans Affairs be entitled to a leave of absence for illness or injury with pay of up to 10 days for the purpose of undergoing medical treatment for his or her military service-connected disability, as specified. The bill would provide ~~that, to the extent these provisions conflict with any provision of a collective bargaining agreement entered into before January 1, 2017, by a public school employer and an exclusive bargaining representative, these provisions shall not apply until the expiration or renewal of that collective bargaining agreement.~~ *that nothing in these provisions shall be construed to diminish the obligation of a public school employer to comply with any collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative that*

provides greater leave of absence rights to employees than the rights established under these provisions.

(2) Under existing law, a classified employee may, at his or her election, use days of leave of absence for illness or injury allowed, pursuant to specified existing law.

This bill would require a classified employee hired on or after ~~January 1, 2017~~, *January 1, 2017*, who is a military veteran with a military service-connected disability rated at ~~30 percent~~ *30%* or more by the United States Department of Veterans Affairs be entitled to a leave of absence for illness or injury with pay of up to 12 days for the purpose of undergoing medical treatment for his or her military service-connected disability, as specified. The bill would provide ~~that, to the extent these provisions conflict with any provision of a collective bargaining agreement entered into before January 1, 2017, by a public school employer and an exclusive bargaining representative, these provisions shall not apply until the expiration or renewal of that collective bargaining agreement.~~ *that nothing in these provisions shall be construed to diminish the obligation of a public school employer to comply with any collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative that provides greater leave of absence rights to employees than the rights established under these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44978.2 is added to the Education Code,
2 to read:
3 44978.2. (a) (1) In addition to any other entitlement for leave
4 of absence for illness or injury with pay, a certificated employee
5 hired on or after ~~January 1, 2017~~, *January 1, 2017*, who is a military
6 veteran with a military service-connected disability rated at 30
7 percent or more by the United States Department of Veterans
8 Affairs shall be entitled to leave of absence for illness or injury
9 with pay of up to 10 days for the purpose of undergoing medical
10 treatment for his or her military service-connected disability.
11 (2) Credit for leave of absence for illness or injury granted under
12 this subdivision shall be credited to a qualifying certificated

1 employee on the first day of employment and shall remain available
2 for use for the following 12 months of employment.

3 (3) Leave of absence for illness or injury credited pursuant to
4 this subdivision that is not used during the 12-month period shall
5 not be carried over and shall be forfeited.

6 (4) Submission of satisfactory proof that a leave of absence for
7 illness or injury granted under this subdivision is used for treatment
8 of a military service-connected disability may be required pursuant
9 to rules adopted by the governing board of a school district.

10 (b) A certificated employee, as described in subdivision (a),
11 employed less than 5 days per week shall be entitled to that
12 proportion of 10 days' leave of absence for illness or injury granted
13 pursuant to subdivision (a) as the number of days he or she is
14 employed per week bears to 5.

15 ~~(e) To the extent that this section conflicts with a provision of~~
16 ~~a collective bargaining agreement entered into by a public school~~
17 ~~employer and an exclusive bargaining representative before January~~
18 ~~1, 2017, pursuant to Chapter 10.7 (commencing with Section 3540)~~
19 ~~of Division 4 of Title 1 of the Government Code, this section shall~~
20 ~~not apply until expiration or renewal of that collective bargaining~~
21 ~~agreement.~~

22 *(c) Nothing in this section shall be construed to diminish the*
23 *obligation of a public school employer to comply with any*
24 *collective bargaining agreement entered into by a public school*
25 *employer and an exclusive bargaining representative pursuant to*
26 *Chapter 10.7 (commencing with Section 3540) of Division 4 of*
27 *Title 1 of the Government Code that provides greater leave of*
28 *absence rights to employees than the rights established under this*
29 *section.*

30 SEC. 2. Section 45191.5 is added to the Education Code, to
31 read:

32 45191.5. (a) (1) In addition to any other entitlement for leave
33 of absence for illness or injury with pay, a classified employee
34 hired on or after ~~January 1, 2017~~, *January 1, 2017*, who is a military
35 veteran with a military service-connected disability rated at 30
36 percent or more by the United States Department of Veterans
37 Affairs shall be entitled to leave of absence for illness or injury
38 with pay of up to 12 days for the purpose of undergoing medical
39 treatment for his or her military service-connected disability.

(2) Credit for leave of absence for illness or injury granted under this subdivision shall be credited to a qualifying classified employee on the first day of employment and shall remain available for use for the following 12 months of employment.

(3) Leave of absence for illness or injury credited pursuant to this subdivision that is not used during the 12-month period shall not be carried over and shall be forfeited.

(4) Submission of satisfactory proof that a leave of absence for illness or injury granted under this subdivision is used for treatment of a military service-connected disability may be required pursuant to rules adopted by the governing board of a school district.

(b) A classified employee, as described in subdivision (a) and employed 5 days-a *per* week, who is employed for less than a full fiscal year is entitled to that proportion of 12 days' leave of absence for illness or injury granted pursuant to subdivision (a) as the number of months he or she is employed bears to 12.

(c) A classified employee, as described in subdivision (a), employed less than 5 days per week shall be entitled to that proportion of 12 days' leave of absence for illness or injury granted pursuant to subdivision (a) as the number of days he or she is employed per week bears to 5. When such persons are employed for less than a full fiscal year of service, this subdivision and subdivision (b) shall determine that proportion of leave of absence for illness or injury granted pursuant to subdivision (a) to which they are entitled.

~~(d) To the extent that this section conflicts with a provision of a collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative before January 1, 2017, pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, this section shall not apply until expiration or renewal of that collective bargaining agreement.~~

(d) Nothing in this section shall be construed to diminish the obligation of a public school employer to comply with any collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code that provides greater leave of

1 *absence rights to employees than the rights established under this*
2 *section.*

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